

Appeal No. 2023-1922

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BEARBOX LLC, AUSTIN STORMS,

Plaintiffs - Appellants,

v.

LANCIUM LLC, MICHAEL T. MCNAMARA, RAYMOND E. CLINE, JR.,

Defendants - Appellees.

Appeal from the United States District Court for the District of Delaware in
Case No. 1:21-cv-00534, Judge Gregory B. Williams

**UNOPPOSED MOTION OF PLAINTIFFS-APPELLANTS FOR A 14-DAY
EXTENSION OF TIME TO FILE REPLY BRIEF**

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October 17, 2023

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Plaintiffs-Appellants BearBox LLC and Austin Storms (collectively, “BearBox”) respectfully move for a 14-day extension of time to file their Reply Brief in response to the Brief of Appellees filed on October 4, 2023. The Plaintiffs-Appellants’ Reply Brief is currently due on October 25, 2023. A 14-day extension would extend the due date for the Plaintiffs-Appellants’ Reply Brief to November 8, 2023. This is Plaintiffs-Appellants’ first request for an extension of time to file their Reply Brief (the Court previously granted Plaintiffs-Appellants a 35-day extension of time to file their opening brief).

Counsel for BearBox has conferred with counsel for Defendants-Appellees Lancium LLC, Michael T. McNamara, and Raymond E. Cline, Jr. (collectively, “Lancium”), and counsel for Lancium says that Lancium does not oppose this Motion.

BearBox does not seek this extension for the purposes of delay, but rather to permit counsel for BearBox adequate time to prepare their Reply Brief in view of the demands of other matters, both professional and personal.

For all of the foregoing reasons, Plaintiffs-Appellants respectfully request that the Court grant their unopposed Motion for a 14-day extension of time to file the Reply Brief for Plaintiffs-Appellants through and including November 8, 2023.

Date: October 17, 2023

Respectfully submitted,

/s/ Benjamin T. Horton
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FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 23-1922

Short Case Caption BearBox LLC v Lancium LLC

Filing Party/Entity Plaintiffs-Appellants BearBox LLC and Austin Storms

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 10/17/2023

Signature: /s/ Benjamin T. Horton

Name: Benjamin T. Horton

FORM 9. Certificate of Interest

Form 9 (p. 2)
March 2023

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
BearBox LLC		
Austin Storms		

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
March 2023

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☒ None/Not Applicable ☐ Additional pages attached

Marshall Gerstein & Borun: John J. Lucas		
Ashby & Geddes: Andrew C. Mayo		

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☒ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2023-1922

Short Case Caption: BearBox LLC v. Lancium LLC

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 209 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 10/17/2023

Signature: /s/ Benjamin T. Horton

Name: Benjamin T. Horton